

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
TS/ZAT 1102 US-PATFirst named inventor: MICHAEL BAYERApplication No.: 10/565,037Art Unit: 3726Filed: MAY 31, 2006Examiner: JERMIE E. COZARTTitle: Press-Hardened Component and Method for the Production of a Press-Hardened Component

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

**1. Petition Fee**☒ Small entity-fee \$ 810.00 (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.☐ Other than small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m))**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Response to Office Action of 03/17/2010 (identify type of reply):

☐ has been filed previously on \_\_\_\_\_.☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

☐ has been paid previously on \_\_\_\_\_.☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

NORMAN B. THOT  
Signature  
NORMAN B. THOT  
Type or Printed name  
MÜLHEIMER STR. 12  
Address  
40878 RATINGEN / GERMANY  
Address

SEPTEMBER 19, 2011  
Date  
47,993  
Registration Number, If applicable  
+49 2102 168928-0  
Telephone Number

Enclosures:

- ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
MICHAEL BAYER et al.

Application No.: 10/565,037

Confirmation No.: 5371

Filed: May 31, 2006

Art Unit: 3726

For: PRESS-HARDENED COMPONENT AND  
METHOD FOR THE PRODUCTION OF A  
PRESS-HARDENED COMPONENT

Examiner: Jermie E. Cozart

**STATEMENT ESTABLISHING UNINTENTIONAL DELAY IN SUPPORT OF A  
PETITION OR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

September 19, 2011

Dear Sir:

Applicants have today filed a petition to revive United States Patent Application No. 10/565,037 (the "Present Application") pursuant to 37 CFR 1.137(b). After due inquiry with the Applicants, the undersigned can provide the following information on the unintentional abandonment:

- The Present Application is assigned to Z.A.T. Zinc Anticorrosion Technologies SA ("ZAT"). ZAT is responsible for the prosecution of the Present Application.
- ZAT first became aware of the abandonment of the Present Application on July 14, 2011.
- Although ZAT had and continues to have a system in place for tracking actions to be undertaken with respect to patent applications, the system did not contain



any information with regard to actions that needed to be taken for the Present Application.

- An investigation conducted by ZAT has determined that this failure was likely due to the fact that the individual holding responsibility for the Present Application left the employment of ZAT in May 2010 without transferring responsibility therefor.

A copy of correspondence provided to the undersigned is attached to this Statement as Attachment A.

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

The Office is hereby authorized to charge Deposit Account No. 50-5256 for the petition fee of \$ 810.00 to revive an unintentionally abandoned application applicable pursuant to 37 CFR § 1.137(b) to a small entity. Should the U.S. Patent and Trademark Office determine that additional fees are owed or that any refund is owed for this application, the Commissioner is hereby authorized and requested to charge the required fee(s) and/or credit the refund(s) owed to our Deposit Account No. 50-5256.

Favorable action is earnestly solicited.

Dated: September 19, 2011

Respectfully submitted,

By N. B. Thot  
Norman B. Thot

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Attorney For Applicants

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## **ATTACHMENT A**

Z.A.T. Zinc Anticorrosion Technologies SA

Rue de Romont 1 • 1700 Fribourg • Switzerland  
Tel: +41 26 321 47 12 • Fax : +41 26 321 47 14



Date: 15.09.2011

For the attention of  
Mr. Dr. Norman B. THOT  
Mülheimer Straße 12  
40878 RATINGEN  
GERMANY

Subject: Abandonment of US patent application 10/565,037

Dear Mr. Thot,

We make reference to the US patent application 10/565,037.

We had not received any information and/or invoices for this application for quite some time. An inquiry conducted in July 14th 2011 informed us that this application had gone abandoned.

We investigated how this could have happened. We think that an administrative failure occurred during a personnel change. The employee who was responsible for this application left our company in May 2010. This employee apparently forgot to inform anyone at our company of the application or that actions needed to be taken.

Although we have a system in place to take actions that need to be taken for applications, the employee had never input such information into that system. Nobody at the company was therefore given responsibility of that application and nobody knew that any action needed to be taken.

We kindly request that you take any action necessary to attempt reinstate this patent application.

Kind regards,

A handwritten signature in black ink, appearing to read 'Igor Jushko', with a horizontal line drawn underneath it.

Igor JUSHKO  
Director